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May 28, 2008

Via ECF and Regular Mail
Honorable Gerard E. Lynch
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10006

*Re: United States v. Maher Moftah
08 Cr. 299 (GEL)*

Dear Judge Lynch,

I write on behalf of my client, the above-referenced Maher Moftah, to respectfully request that Mr. Moftah be excused from attending the next scheduled status conference on June 4, 2008. Mr. Moftah is currently released on a \$100,000 Personal Recognizance Bond.

Because Mr. Moftah, who I represent pursuant to the Criminal Justice Act, resides in Albuquerque, New Mexico it is difficult for him to travel to New York, particularly given his age (68) and lack of financial resources.¹ In addition, I anticipate that the June 4 status conference will involve only "housekeeping" matters concerning discovery and the setting of a trial date and, because of that, I believe that my client's absence will not cause any substantive harm to his case or the defense of it.

Alternatively, if the court determines that Mr. Moftah must appear in court on June 4, 2008 I would respectfully request that Your Honor issue an Order directing the U.S. Marshal Service for the Southern District of New York, pursuant to 18 U.S.C. § 4285, to provide round-trip air transportation for Mr. Moftah so that my client may attend the status conference.

¹ Mr. Moftah lives in a rental apartment and is collecting Social Security and SSI. He has very limited financial means to afford to travel to New York.

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Per Your Honor's local rules, I advise that I have made one other similar application to this court.² That application was granted and the Court directed the U.S. Marshals to arrange travel arrangements for my client to travel from New Mexico to New York so that he court appear in court.

If the court were to grant either of these requests, I would acknowledge that it would be appropriate to toll the Speedy Trial clock, pursuant to Title 18 U.S.C. § 3161 (a)(h)(F) as it is the defendant who is requesting relief from the Court.

Finally, I have spoken with AUSA Daniel Goldman, Esq. who, on behalf of the government, consents to this application.

Thank you for your consideration.

Very truly yours,

LAW OFFICES OF
LAWRENCE H. SCHOENBACH

By: 
Lawrence H. Schoenbach, Esq.

LHS/sms

Cc: AUSA Daniel Goldman, Esq. (via ECF and regular mail)
Mr. Maher Maftah (via regular mail)

² Prior to the first status conference before Your Honor on April 17, 2008 I contacted chambers to inquire whether my client could "attend" that status conference via teleconference from the U.S. Courthouse in Albuquerque but was informed that, because this was the first scheduled conference before this Court, Your Honor wanted my client to attend in person.